

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STEPHANIE CHRISTOFF,

:

Plaintiff(s),

:

-against-

:

10 Civ. 8505 (CS) (LMS)

SATURN BUSINESS SYSTEMS,

:

Defendant(s)

:

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By letter dated December 20, 2011, Plaintiff sought this Court's assistance with regard to two issues. First, she requested the status of her "request to add IBM to the lawsuit." Second, she asserted that a subpoena issued by her in this matter was not honored by counsel for IBM, the firm Jackson Lewis. She apparently seeks to have some sanction issued for this alleged failure. Plaintiff's December 20 letter will be docketed along with this Order.

Future requests for information about the status of this case should be directed to the *pro se* Clerk's Office, by calling (914) 390-4000 and asking for an available *pro se* Clerk, or by calling the *pro se* Clerk's Office at (212) 805-0177. Additional information may be found on the Court's ECF system, available during normal business hours at the Clerk's Office of the Courthouse, either in White Plains or Manhattan.

On this single occasion the Court will answer Plaintiff's inquiry. If Plaintiff were to seek information from the sources identified above she would learn that her Motion to add IBM as a defendant was denied by the Honorable Cathy Seibel, United States District Judge, to whom this case is assigned, on December 23, 2011 (Docket #39), without prejudice, for failure to request a pre-motion conference as required by Judge Seibel's individual practices. Plaintiff was directed

in that Order to raise the issue with the undersigned. Appropriate procedures for consideration of the issue will be discussed at the next conference. Counsel for IBM, to whom a copy of this Order will be sent, is invited to attend that conference, if he chooses, but as IBM is a non-party, counsel is not required to attend.

By letter sent to Judge Seibel (but not to the undersigned), Plaintiff has sought to adjourn the conferences scheduled before Judge Seibel and before the undersigned today, January 6, 2012. Judge Seibel granted that application and has adjourned the conference before her to January 23, 2012, at 2:30 pm. Docket #42. The conference before the undersigned is hereby scheduled for January 31, 2012, at 11:00 am¹.

Plaintiff's second concern, noted above, is with regard to a subpoena she had issued, purportedly to IBM's counsel, Jackson Lewis.² This issue was addressed by Kevin Lauri of Jackson Lewis in a letter to the Court dated December 27, 2011, which will be docketed along with this Order. The subpoena is a nullity. First, it is not addressed to any person or entity; no name or address is included after the word "To:". Thus, it has no legal power over any person or entity. Second, it requires production on September 19, 2011, which is before the date it was issued, which was December 6, 2011. It would be impossible for the subpoena to be honored on or before a date that is already in the past. Moreover, even if, as Plaintiff apparently intended, the subpoena is directed to counsel for IBM, counsel is not authorized to accept a subpoena on

¹ It was not possible to schedule the conference before the undersigned for the same day as the conference before Judge Seibel.

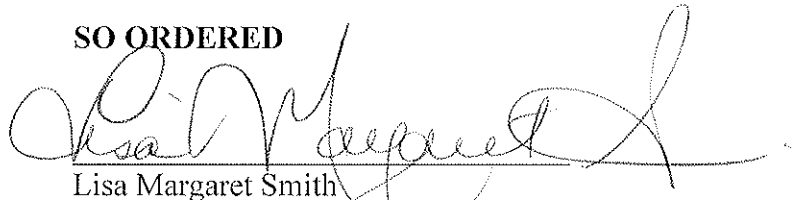
² Plaintiff's letter refers to "Jackson Lewis, Attorney at Law on behalf of IBM[.]" It is possible that she does not realize that Jackson Lewis is not a person, but rather is the name of the law firm which had represented IBM earlier in this litigation. The particular attorney from Jackson Lewis who has communicated with the Court is named Kevin G. Lauri.

behalf of IBM, and even if the subpoena were enforceable in its current form, which it is not, there has not been proper service on the entity to which it purportedly was intended to be directed (IBM). Under all of these circumstances any request for sanctions is denied, and the subpoena as it currently exists is deemed a nullity.

This constitutes the Decision and Order of the Court. Plaintiff and counsel for Defendant are directed to appear in Courtroom 520 on January 31, 2012, at 11:00 am. Counsel for IBM may appear at that conference, but is not required to appear.

Dated: January 6, 2012
White Plains, New York

SO ORDERED



Lisa Margaret Smith
United States Magistrate Judge
Southern District of New York

The Clerk is directed to send a copy of this Order by regular mail to:

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